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DAIMLERCHRYSLER INTELLECTUAL CAPITAL CORPORATION
CIMS 483-02-19
800 CHRYSLER DR EAST
AUBURN HILLS, MI 48326-2757

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/767,583
Filing Date: January 29, 2004
Appellant(s): REED ET AL.

MAILED

DEC 26 2007

Technology Center 2600

Gordon K. Harris, Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 7, 2007 appealing from the Office action mailed July 13, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is incorrect since claims **4 and 10** are rejected under 35 U.S.C. 103 over Hengst in view of Ishiguro and Goldenberg et al, but not **4 and 8**.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,176,589	Ishiguro	01/23/2001
6,636,197	Goldenberg et al	10/21/2003
6,769,320	Bollgohn et al	08/03/2004

(9) Grounds of Rejection

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 7-9, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hengst in view of Ishiguro(6,176,589).

As to claims 1-3, 5, 7-9, 11 and 13, Hengst teaches a human-machine interface device for controlling a plurality of vehicle functions(radio, map, navigation, etc.)(see figures 3-4 and column 4, lines 58-63), the interface comprising: a knob(1) which is bidirectionally rotatable(8, 9) at a rest level(central position or 10) and a pressed level; a selected one of the vehicle functions(e.g. navigation or radio) being selected by the knob(1) at the rest level(central position 3 or 10) (see figures 1-3; column 2, lines 10-17 and column 4, lines 58-64) and the selected one of the vehicle functions being

controlled by the knob(1) at the pressed level(see figures 1-3; column 1, lines 49-53; column 3, lines 13-27 and column 4, lines 1-46).

Hengst fails to disclose a plurality of annunciators wherein one of the annunciators indicates the selected one of the vehicle functions when the knob is rotated at the reset level

Ishiguro teach a plurality of annunciators(e.g. 15a-15e, 25, 26)(see figure 2), wherein one of the annunciators indicates the selected one of the vehicle functions when the knob(1) is rotated at the reset level(see figures 1-3, 5-6; abstract; column 4, lines 1-29; column 5, lines 6-15 and lines 45-68; column 6; and column 7, lines 1-23). It would have been obvious to have modified Hengst with the teaching of Ishiguro, so as to provide a feedback to a user to indicate the rotational position of a knob(see abstract).

As to claims 7 and 13, Hengst teach a human-machine interface device for controlling a plurality of vehicle functions(radio, map, navigation, etc.)(see figures 3-4 and column 4, lines 58-63); the interface comprising: a knob(1) which is bidirectionally rotatable at a first level and a second level(pressed level); a selected one of the vehicle functions(radio, map, navigation, etc.) being selected by the knob(1) at the first level; and the selected one of the vehicle functions being controlled by the knob at the second level(see figures 1-3; column 1, lines 49-53; column 3, lines 13-27 and column

As to claims 2 and 8, Hengst teaches vehicle functions is associated with a detent position(10) of the knob at the rest level(central position)(see figures 1-4 and column 4, lines 11-46).

As to claims 3 and 9, Hengst as modified teach at least one of the annunciators indicates the selected one of the vehicle functions when the selected one of the vehicle functions is controlled by rotating the knob at the press(push) level(see Ishiguro's figures 1-3, 5-6; column 5, lines 62-68; column 6, lines 1-7; Hengst's figures 3-4; column 4, lines 19-68 and column 5, lines 1-21).

As to claims 5 and 11, Hengst as modified teach at least one of the vehicle functions(e.g. defrosting mode, REC mode or air conditioner) is an on/off function, wherein the knob further comprises a switch(push switch) for controlling the on/off function and the switch includes an indicator reflective of the state of the on/off function(see Ishiguro's figures 1-3, 5-6; column 5, lines 50-68; column 6, lines 1-7).

3. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hengst in view of Ishiguro and Bollgohn et al(6,769,320).

As to claims 4 and 10, Hengst fails to disclose a display screen indicating a selection function.

Bollgohn et al an annunciator(48A-48D) or display screen(44) for indicating a selection function(e.g, CD2)(see figures 2-3; column 5, lines 55-64 and column 6, lines 5-33). It would have been obvious to have modified Hengst as modified with the teaching of Bollgohn et al, so as to provide a selection confirmation to a user and provide a feedback to a user(see Hengst's figures 3-4; column 4, lines 18-45 and column 5, lines 8-22).

4. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hengst in view of Ishiguro and Goldenberg et al(6,636,197).

As to claims 6 and 12, Hengst as modified fails to disclose the selected functions having a speed and a temperature.

Goldenberg et al teach a knob(26) for selecting fan speed and temperature Functions(see figures 1-3; column 5, lines 57-68; column 7, lines 8-18 and column 22, lines 49-53). It would have been obvious to have modified Hengst as modified with the teaching of Goldenberg et al, so as to provide more controlling function to a user.

(10) Response to Argument

Appellant argues that Ishiguro does not teach a knob dial is operable at rest and pressed levels on page 4. However, Ishiguro is not cited for teaching such feature and Hengst teaches a knob(1, a rotary switch) is bidirectionally rotatable at a rest level and a pressed level(pushed level)(see figures 1-4; column 3, lines 66-67 and column 4, lines 1-10).

Appellant argues that neither Hengst and Ishiguro having a suggestion to combine the bidirectional rotary switch that is operable in pushed and pulled positions and the annunciators on page 5. In response to appellant's argument, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*,

837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the reason to combine these two reference has been found in the knowledge generally available to one of ordinary skill in the art and the reference itself (see the rejection for claims 1-3, 5, 7-9, 11 and 13 above). On the issue of obviousness, the court stated "the combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1739, 82 USPQ2d 1385, 1395 (U.S. 2007). Further, Hengst teaches the bidirectional rotary switch(1) that is operable in pushed and pulled positions (see figure 1 and column 4, lines 1-6) and Ishiguro teaches one of annunciators(15a-15e) indicates the selected one of vehicle functions(e.g. defrosting mode, REC mode or automatic control mode) when the knob(1 or 18) is rotated at rest level or first level as cited in claims 1 and 7 (see figures 1-3, 5-6; abstract and column 5, lines 6-15 and lines 45-68 and column 6, lines 1-51).

Appellant argues that neither Hengst nor Ishiguro teach a knob comprising a switch for controlling on/off functions on page 5. The examiner disagrees with that since Hengst teaches a knob switch can perform one function by pushing and another function by pulling (see figures 1-2; column 1, lines 49-53 and column 4, lines 1-10) and Ishiguro teach a knob(35) can perform ON and OFF functions(e.g. turn on and off air conditioner) (see figures 2-5; column 5, lines 50-68 and column 6, lines 1-8). It would have been obvious to have modified Hengst with the teaching of Ishiguro, so a knob could be control more vehicle functions.

Appellant argues that neither Hengst nor Ishiguro teaches selecting a function by rotating a knob at a first level, controlling the function by rotating a knob at a second level and indicating the function using an annunciator when the function is selected by rotating the knob at the first level on pages 5 and 6. The examiner disagrees with that since Hengst teaches selecting a function(e.g. selecting a sub-menu(3))(see figures 3) by rotating a knob at a first level(by turning the rotary switch(1) at a rest level(central position(3))(see figures 1, 3; column 4, lines 1-3 and lines 21-43) and controlling(activating) the function(function elements action 1)by rotating a knob(1) at a second level(e.g. push level)(see figure 3 and column 4, lines 21-43); and Ishiguro teaches one of annunciators(15a-15e) indicates the selected one of vehicle functions(e.g. defrosting mode, REC mode or automatic control mode) when the knob(1 or 18) is rotated at a first level(see figures 1-3, 5-6; abstract and column 5, lines 6-15 and lines 45-68 and column 6, lines 1-51). Thus, the combination of the references meet the selecting function, controlling function and indicating function as cited in claim 13.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Application/Control Number:
10/767,583
Art Unit: 2629

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Lun - Yi Lao

Conferees:



Richard Hjerpe

RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNICAL CENTER 2600

Mengistu Amare



AMARE MENGISTU
SUPERVISORY PATENT EXAMINER